

Commonwealth of Massachusetts
Division of Professional Licensure
Board of Registration of Chiropractors
1000 Washington Street
Boston, MA 02118

AUGUST 6, 2020

A posted public meeting of the Massachusetts Board of Registration of Chiropractors (the Board) was held remotely by telephone or by videoconference as an alternate means of public access pursuant to an Executive Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

Dr. Shilts noted a quorum of members present and called the meeting to order at 10:03 a.m.

MEMBERS PRESENT:

Dr. Kirk Shilts, Chairman
Dr. Glenn Dodes, Vice Chairman
Dr. Candace Maddalo, Secretary
Ms. Barbara Bush, Public Member
Dr. Daniel Fanselow, Member
Dr. Gabrielle Freedman, Member

Dr. Peter Martone was absent.

STAFF PRESENT (at various times):

Richard Lawless, Board Executive Director
Deborah Cassano, Associate Executive Director
Sheila York, Esq., Board Legal Counsel
Peter Kelley, Esq., Board Legal Counsel

CHAIRMAN'S MESSAGE

Dr. Shilts expressed his appreciation to Atty. Sheila York, for serving as Board Legal Counsel for several years. Dr. Shilts welcomed Peter Kelley, Esq as the Board's new Legal Counsel.

Dr. Shilts reviewed the protocols for the electronic meeting format. He said all votes will be roll-call votes.

AGENDA

Dr. Shilts reviewed the draft agenda with the Board, and asked if any Board members had additional items under New Business.

Thereafter, a motion was made by Dr. Dodes, seconded by Ms. Bush and VOTED (roll call);
to approve the meeting's agenda as drafted.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts
Members opposed: none

CONFLICT OF INTEREST REMINDER

Dr. Shilts briefly reminded Board members of the state's conflict of interest requirement and recusal process.

MEETING MINUTES:

The Board reviewed the draft public meeting minutes of June 4, 2020.

Thereafter, a motion was made by Dr. Fanselow, seconded by Dr. Dodes and VOTED (roll call);
to approve the public meeting minutes of June 4, 2020 as drafted.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

LEGAL REPORT:

Atty. York updated the Board on proposed regulation changes. Atty. York was instructed by the Board to go forward with all proposed regulations.

CHIROPRACTIC FACILITY APPLICATIONS:

Dr. Steven Windwer participated by telephone to discuss the following Chiropractic Facility Applications

- **2020-12-CH-CF-APP BSPT DBA Milton Chiropractic**

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Dodes and VOTED (roll call);
to not approve this application, to allow the applicant to withdraw this application and to submit a new application with correct information, and that the Board will open a complaint for misrepresentation.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

- **2020-14-CH-CF-APP BSPT DBA Milton Chiropractic**

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Dodes and VOTED (roll call);
to not approve this application, to allow the applicant to withdraw this application and to submit a new application with correct information, and that the Board will open a complaint for misrepresentation.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

- **2020-16-CH-CF-APP BSPT DBA Milton Chiropractic**

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Dodes and VOTED (roll call);
to not approve this application, to allow the applicant to withdraw this application and to submit a new application with correct information, and that the Board will open a complaint for misrepresentation.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

REINSTATEMENT OF SUSPENDED LICENSE:

1297-CH-CH Dr. Steven Jacobs

Dr. Jacobs and his legal counsel Ingrid Martin participated by telephone to discuss his requested to reinstate his suspended chiropractic license.

Thereafter, a motion was made by Dr. Freedman, seconded by Dr. Dodes and VOTED (roll call);
to postpone further discussion until the September Board meeting.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

DISCUSSION:

Executive Order Ending Extension Period for License Renewals:

Mr. Lawless explained the issuance of COVID-19 Executive Order 41, which rescinded a prior Executive Order that allowed licenses to remain current after their regular expiration date. Under Executive Order 41, all chiropractic licenses that were set to expire on March 31, 2020 will remain current until October 1, 2020.

Thereafter, a motion was made by Dr. Fanselow, seconded by Ms. Bush and VOTED (roll call);
to extend the Board's previous provision to allow the jurisprudence exam to be taken before a candidate's application is complete and to extend all compliance monitoring deadlines until October 1, 2020.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

Updated COVID-19 Policy

The Board discussed proposed revisions to its previously-approved COVID-19 Policy.

Thereafter, a motion was made by Dr. Godes, seconded by Ms. Bush and VOTED (roll call);
To accept the updated COVID-19 Policy as drafted.

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

CORRESPONDENCE:

- **7.1.2020 CCE council elections announcement**
Read and received.
- **7.22.20 – Email from B. Chuma regarding insurance - 7/22/20**
The Board gave direction to staff to respond that the Supervising chiropractor of the Facility would need to contact the insurance company and see what procedures they will allow.
- **7.27.2020 Email from A. Zubiell regarding Telehealth**
The Board gave direction to staff to respond that nutritional consultation can be done via telehealth if the treating physician practices in Massachusetts as the patient is located, and that the licensed chiropractor should consult the Board's Policy on Dietary and Nutritional Advice.
- **7.26.2020 Email from A. Chapple regarding Telehealth**

The Board gave direction to staff to respond that: the Board does not permit a chiropractor not licensed in Massachusetts to provide chiropractic services via telehealth to patients in Massachusetts; that Massachusetts licensed chiropractors residing outside of the state can provide telehealth services to patients in Massachusetts; and that doctors should check with the state chiropractic licensing Board where they are located on any additional restrictions or requirements for telehealth services.

Dr. Shilts asked Atty. Kelley to draft a telehealth policy for a future meeting.

- **7.26.2020 Email from D. Fryday regarding emergency temporary licensure**
The Board gave direction to staff to respond that the Governor did not give the authority for Boards to waive all requirements for licensure, and to refer to the Board's COVID-19 policy
- **7.26.2020 Email from P. O'Brien regarding COVID 19 regulations**
The Board gave direction to staff to refer the licensee to the Department of Health's website for COVID-19 practice guidance.

NEW BUSINESS:

None

PUBLIC COMMENT:

None

COMPLIANCE MONITORING [Executive Session: G.L. c. 30A, s. 21(7) to comply with G.L. c. 4, 7, para. 26(a) and (c) – medical information]:

2019-000065-IT-ENF (J.G.) – Evaluation and Request to Terminate Suspension

Dr. Shilts said the Board will be going into Executive Session to discuss confidential medical information with respect to this matter.

Thereafter, a motion was made by Dr. Dodes, seconded by Dr. Freedman and VOTED (roll call); **to enter into Executive Session under M.G.L. c. 30A, s. 21(a)(3) at 11:59 a.m. for the purpose of discussing medical information, and immediately following, to enter into Closed Session under M.G.L. c. 112, s. 65C at 10:51 a.m. for the purpose of discussing investigatory matters.**

Members in favor: Dodes, Maddalo, Bush, Fanselow, Freedman, Shilts

Members opposed: none

Dr. Shilts said the Board would not return to open meeting after this Executive Session.

See separate minutes for Executive Session.

NEW AND OPEN CASES: [Closed Session: G.L. c. 112, s. 65C]

During Closed Session the Board took the following actions:

- AIB Discussion No action taken

Dr. Dodes left the meeting at 12:33 p.m.

- 2019-001293-IT-ENF (BCC) Postponed

- 2019-001294-IT-ENF (BC) Postponed
- 2019-001295-IT-ENF (B.E.) Postponed
- 2019-001296-IT-ENF (M.B.) Postponed
- 2019-001297-IT-ENF (L.G.) Postponed
- 2019-001298-IT-ENF (M.M.) Postponed
- 2020-000227-IT-ENF (K.L.) Sent to Prosecutions

NEW LICENSEE INTERVIEWS

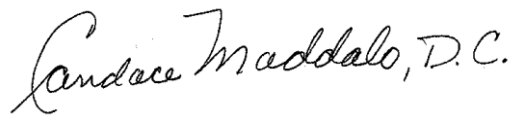
After the meeting, the following candidates were scheduled to complete their new licentiate orientation/interview with Dr. Freedman:

- Danielle Aldrich
- Danielle Botelho

ADJOURNMENT

The public meeting of August 6, 2020 adjourned at the conclusion of closed session at 1:08 p.m.

**The above minutes were approved during the open meeting of the Board held on September 3, 2020.*



Candace Maddalo, D.C. - Secretary
Board of Registration of Chiropractors

Documents used by the Board during open session:

- *Proposed meeting agenda for 8/6/2020*
- *Draft public meeting minutes from 6/4/2020*
- *Chiropractic Facility Applications 2020-16-CH-CF-APP BSPT DBA Milton Chiropractic, 2020-14-CH-CF-APP BSPT DBA Milton Chiropractic, 2020-12-CH-CF-APP BSPT DBA Milton Chiropractic*
- *Request for Reinstatement of License from Steven Jacobs, D.C.*
- *Draft COVID-19 Policy Guideline*
- *7.1.2020 Email regarding CCE council elections announcement*
- *7.22.2020 Email from B. Chuma regarding insurance - 7/22/20*
- *7.27.2020 Email from A. Zubiell regarding Telehealth*
- *7.26.2020 Email from A. Chapple regarding Telehealth*
- *7.26.2020 Email from D. Fryday regarding emergency temporary licensure*
- *7.26.2020 Email from P. O'Brien regarding COVID 19 regulations*